12-01-05 c of c

CASE

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV722485543US — Express Mail Label Number

November 30, 2005 — Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT OF
GREIL ET AL.
U.S. PATENT NO: 6,979,641
ISSUED: SEPTEMBER 27, 2005
FOR: CRYSTALLINE ß-LACTAM INTERMEDIATE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Request for Certificate of Correction under CFR § 1.322

Sir:

Pursuant to 37 CFR 1.322, it is hereby respectfully requested that a Certificate of Correction be issued for United States Patent 6,979,641 containing the corrections set forth on the appended Form PTO 1050.

Each of the errors is believed to be attributable to the Patent and Trademark Office as is evident from the following table:

Location and/or Error in Printed Patent	Location of Support in Specification or Amendment
Title Page, Abstract, line 4, insert "carbonyloxy)ethyl ester is provided as an intermediate in the production and remove the "/" in between "isopropoxy/crystallization"	Amendment, dated June 4, 2003, page 1

Attached is a duplicate of Form PTO 1050, with at least one copy being suitable for printing.

Since the above errors are not ascribable to the patentees, no fee is believed to be necessitated by this Request for Certificate of Correction. However, in the event that a fee is

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required, the Commissioner is hereby authorized to charge said fee to Deposit Account No. 19-0134 in the name of Novartis.

Please send the Certificate of Correction to the address currently associated with Customer No. 001095, viz:

Novartis
Corporate Intellectual Property
One Health Plaza, 104/3
East Hanover, New Jersey 07936-1080

Respectfully submitted,

John Thallemer

John D. Thallemer
Attorney for Patentee
Reg. No. 34,940

Novartis
Corporate Intellectual Property
One Health Plaza, 104/3
East Hanover, New Jersey 07936-1080
(862) 778-7945
Encls.: Form PTO 1050 (2)
Postcard
JDT:alg
Date: 11/30/05

Case: IB/G-30950A

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO : 6,979,641
DATED: : September 27, 2005
INVENTOR(S) : GREIL ET AL.

It is certified that there is/are an error(s) in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

The Abstract, should read as follows:

-- The novel intermediate compound crystalline 7-[2-(2-formylaminothiazol-4-yl)-2-(Z)-(methoxyimino)acetamido]-3-methoxymethyl-3-cephem-4-carboxylic acid-1-(isopropoxycarbonyloxy)ethyl ester is provided as an intermediate in the production and crystallization of cefpodoxime proxetil. The crystallization process comprises dissolving or suspending the intermediate in the presence of a nitrile or a ketone or mixtures thereof; at a ratio of 1 gm of the intermediate to 2-15 ml nitrile; or at a ratio of 1 gm of the intermediate to 3-15 ml ketone; in the presence of 50-80 ml water; and thereafter isolating the intermediate in crystalline form and converting the intermediate by splitting off the formyl group from the amino group attached to the thiazolyl group, to obtain the desired product cefpodoxime proxetil, in the form of a diastereoisomeric mixture in a ratio of B/(A+B) of 0.5 to 0.6. --.

MAILING ADDRESS OF SENDER:
John D. Thallemer
Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080
(862) 778-7945

PATENT NO. 6,979,641

FORM **PTO-1050**

Case: IB/G-30950A

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO : 6,979,641
DATED: : September 27, 2005
INVENTOR(S) : GREIL ET AL.

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MAILING ADDRESS OF SENDER:
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Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080
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PATENT NO. 6,979,641

FORM **PTO-1050**

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CASE IB/G-30950A

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV335541662US
Express Mail Label Number

6/4/2003
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
GRIEL ET AL.
APPLICATION NO: 10/001,544
FILED: OCTOBER 31, 2001
FOR: CRYSTALLINE BETA-LACTAM INTERMEDIATE

Art Unit: 1619

(A)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action dated March 5, 2003, response to which is due June 5, 2003, entry of the following amendment is respectfully requested.

IN THE SPECIFICATION

✓ Delete the Abstract, page 18, and substitute therefore the following abstract.

Abstract

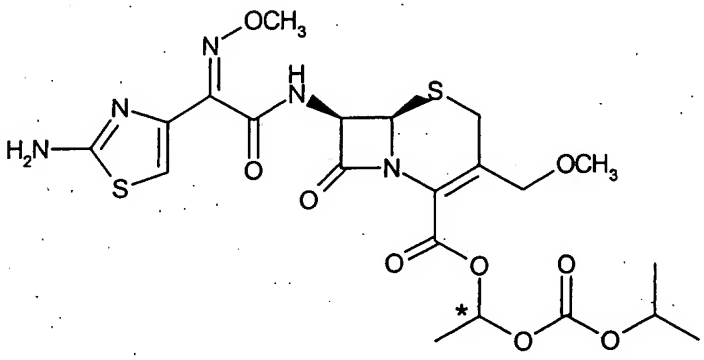
The novel intermediate compound crystalline 7-[2-(2-formylaminothiazol-4-yl)-2-(Z)-(methoxyimino)acetamido]-3-methoxymethyl-3-cephem-4-carboxylic acid-1-(isopropoxycarbonyloxy)ethyl ester is provided as an intermediate in the production and crystallization of cefpodoxime proxetil. The crystallization process comprises dissolving or suspending the intermediate in the presence of a nitrile or a ketone or mixtures thereof; at a ratio of 1 gm of the intermediate to 2-15 ml nitrile; or at a ratio of 1 gm of the intermediate to 3-15 ml ketone; in the presence of 5-80 ml water; and thereafter isolating the intermediate in crystalline form and converting the intermediate by splitting off the formyl group from the amino group attached to the thiazolyl group, to obtain the desired product cefpodoxime proxetil, in the form of a diastereoisomeric mixture in a ratio of B/(A+B) of 0.5 to 0.6.

IN THE CLAIMS

✓ Delete Claims 3-11.

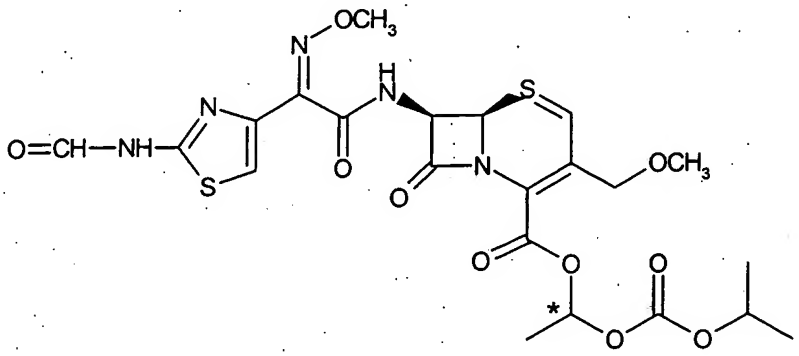
✓ Add the following claims 14-19.

14. A process for the production of a mixture of diastereoisomers of cefpodoxime proxetil of formula



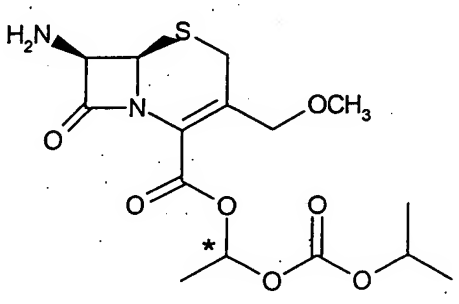
II

in a diastereoisomeric ratio B/(A+B), wherein B is the more apolar of the two diastereoisomers, of 0.5 to 0.6, the diastereisomers being with respect with the carbon atom marked with a star in formula II, comprising producing a mixture of diastereoisomers of a compound of formula



I

by acylating a compound of formula



III

with activated Z-(2-formamidothiazol-4-yl)-methoxyimino acetic acid, removing solvent from the reaction mixture obtained;

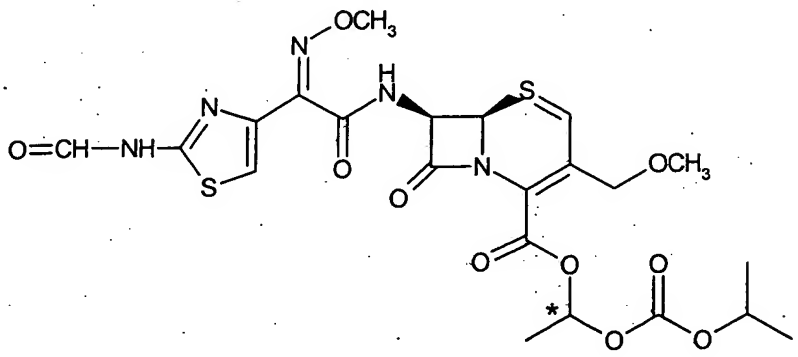
and crystallizing a compound of formula I in the residue obtained;

by dissolving or suspending the compound of Formula I in the presence of a nitrile or a ketone or mixtures thereof;
at a ratio of 1 gm of the compound of Formula I to 2-15 ml nitrile; or at a ratio of 1 gm of the compound of Formula I to 3-15 ml ketone; in the presence of 5-80 ml water;
and thereafter isolating the compound of formula I in crystalline form and converting the compound of formula I by splitting off the formyl group from the amino group attached to the thiazolyl group, to obtain a compound of formula II, in the form of a diastereoisomeric mixture in a ratio of B/(A+B) of 0.5 to 0.6.

15. A process according to Claim 14 wherein the nitrile is acetonitrile.

16. A process according to Claim 14 wherein the ketone is acetone.

17. A process for the production of a compound of formula I in crystalline form



I

comprising dissolving or suspending the compound of Formula I in the presence of a nitrile or a ketone or mixtures thereof;
at a ratio of 1 gm of the compound of Formula I to 2-15 ml nitrile; or at a ratio of 1 gm of the compound of Formula I to 3-15 ml ketone; in the presence of 5-80 ml water;
and thereafter isolating the compound of formula I in crystalline form.

18. A process according to Claim 17 wherein the nitrile is acetonitrile.

19. A process according to Claim 17 wherein the ketone is acetone.

REMARKS

The Claims in the case are Claims 1, 2, 12, and 14-19. Claims 1, 2, and 12 have been allowed.

Claims 14-19 are rewritten versions of the process claims 3-11. Claims 14, 15 and 16 generally correspond to Claims 8, 10 and 11. Claims 17, 18, and 19 generally correspond to Claims 3, 10, and 11.

The Claims have been rewritten to avoid the rejection of the Claims under Section 112, both 1st and 2nd paragraphs. The claims particularly point out and distinctly claim the subject matter pertaining to the key step of the crystallization. Support for the amounts of the solvents is found in the specification at p. 5, lines 10-27, as well as the Examples.

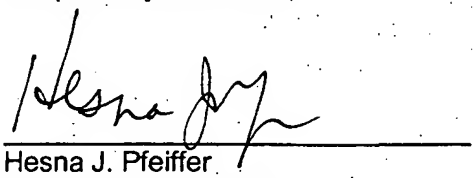
Claims 5 and 7 have been cancelled, and the rejection of those claims is moot. The use of the term "e.g." is absent from the claims now present in the case. There is no improper dependency of newly added claims.

The abstract has been rewritten to provide a more complete statement.

Should the Office feel that telephonic communication with Applicants' representative would further the prosecution of the instant application, the examiner is invited to telephone the undersigned.

Early and favorable action on the merits is earnestly solicited.

Respectfully submitted,



Hesna J. Pfeiffer
Attorney for Applicants
Reg. No. 22,640

Novartis
Corporate Intellectual Property
One Health Plaza, Building 430
East Hanover, NJ 07936-1080
(862) 778-7903
30950amend

Date: June 4, 2003